

Small Flood Control Projects



Flood control at Henderson,
Minnesota

What the Corps Can Do

The Corps of Engineers has the authority, provided by Section 205 of the 1948 Flood Control Act, as amended, to plan, design and construct certain small flood control projects that have not already been specifically authorized by Congress. There is no limitation as to the type of improvement which may be used. Both structural (levees, channels, or dams, for instance) and nonstructural (floodproofing or evacuation, for example) solutions are considered. A project may also include features for other purposes such as water supply, provided local interests indicate a need and are willing to contribute the amount representing the added costs incurred as a result of the addition.

There are several stipulations which must be met in order to qualify under this program. Studies are required to evaluate poten-

tial projects. Each project selected must be economically justified; that is, the benefits resulting from constructing a project must exceed the cost incurred to construct the project. It also must be environmentally acceptable and complete within itself. In addition, each separate project is limited to a total Federal cost of not more than \$7 million, including studies, plans and specifications, and construction.

A single planning (feasibility) phase leads to the preparation of plans and specifications. The feasibility study comprises an initial Federally funded portion up to \$100,000, and a cost-shared portion in which feasibility costs in excess of \$100,000 will be shared 50/50 with the non-Federal sponsor. Costs for plans and specifications are cost-shared at the same proportion as construction (35 percent non-Federal), but will initially be Federally financed and later recovered from the sponsor during project construction.

Once a project is approved and funded for construction, the non-Federal sponsor is required to contribute 35 percent up-front financing for construction. At least 5 percent of the total cost must be contributed in cash. The remainder can include credit for those items spelled out below in the items of local cooperation. Should those costs exceed 35 percent of the total cost, the sponsor would still be required to pay for all of these items, in addition to the 5 percent cash contribution.

Local Responsibilities

Before a solution is implemented, formal assurances of local cooperation must be furnished by a State, local agency, or Indian Tribe empowered with sufficient legal and financial authority to comply with all assurance items. Typically, the local sponsoring agency must agree to the following:

1. Provide all lands, easements, rights-of-way, utility relocations and alterations, and highway or bridge construction and alterations needed for project construction.
2. Hold and save the United States free from damages due to the construction works, not including damages during construction, operation and maintenance that are due to the fault or negligence of the United States or its contractors, and adjust all claims concerning water rights.
3. Maintain and operate the project after completion in accordance with regulations prescribed by the Secretary of the Army.

4. Assume full responsibility for all project costs in excess of the Federal cost limitation.

5. Prevent future encroachment which might interfere with proper functioning of the project for flood control.

6. Provide a contribution toward construction costs where special local benefits will accrue in accordance with existing policies for regularly authorized projects.

7. Provide a cash contribution for project costs assigned to project features other than flood control or to satisfy local cost-sharing requirements.

8. Contribute a minimum of 35 percent up-front financing for construction. At least 5 percent of the total cost must be a cash contribution.

Sample Resolution

Be it resolved that the (City Council, Tribal Council, County Board of Commissioners, etc.) requests the U.S. Army Corps of Engineers to conduct studies to determine the feasibility of developing a small flood control project at (location) under the authority provided by Section 205 of the 1948 Flood Control Act, as amended.

It is understood that, if it is found feasible and advisable to develop a small flood control project at (location), the (City Council, Tribal Council, etc.) would be required to

enter into contractual agreements that it will provide such local cooperation as may be prescribed by the Secretary of the Army.

The (Clerk, Secretary, etc.) of the (City Council, Tribal Council, etc.) shall be, and is hereby, directed to transmit three copies of the resolution to the District Engineer, St. Paul District, U.S. Army Corps of Engineers, 190 5th Street East, St. Paul, Minnesota 55101-1638.

Signed (Mayor, Chairman, etc.)

Date (Date)

Point of Contact: (Name, Title, Address, Phone Number)

How to Request a Study

An investigation under Section 205 may be initiated after receipt of a formal request from the prospective sponsoring agency. An example of an acceptable resolution is given above. This request and any further inquiries concerning a small flood control project should be made directly to:

*St. Paul District, Corps of Engineers
Project Management and Development Branch
190 5th Street East
St. Paul, Minnesota 55101-1638*

*Contact Person: Tom Crump
(651) 290-5284
email:
thomas.l.crumpp@usace.army.mil*

*District internet page:
www.mvp.usace.army.mil*



**US Army Corps
of Engineers**
St. Paul District